

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda

### April 26, 2016

### 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Casáls-Muñoz

#### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- State Representative Bryan Avila will address the Mayor and City Council with an end of the year legislative update.
- The Hialeah Police Department recognizes Tony Guzman, Metro Dade K-9 Services, for his outstanding service and support to the Hialeah Police Department's K-9 Unit.

- The Hialeah Police Department recognizes Leo Thalassites, retired Hialeah Police Department Officer, for turning 90 years old, as well as for his 53 years of combined public service to the citizens of Hialeah, as a police officer and a reserve officer.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 12, 2016. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution approving the expenditure totaling an amount not to exceed sixty thousand dollars (\$60,000.00) from the Law Enforcement Trust Fund – *State*, for the rental of undercover vehicles, from Enterprise Leasing Vendor #17908, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- C. Proposed resolution to extend services with the prior competitively bid award (RFP No. 2008/09-0240-36-001) three additional years with a no cost increase and authorizing the Mayor and City Clerk, on behalf of the City, to enter into a professional services agreement with United Healthcare, Inc., which processes group health claims for the City, for a term of three additional years for calendar years 2017, 2018, and 2019 for a fixed monthly rate of \$32.77 for each employee/retired employee, for an amount not to exceed \$750,000.00 each year, inclusive of the shared savings fee, in a form acceptable to the City Attorney. (RISK MANAGEMENT)
- D. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an interlocal agreement with Miami-Dade County, Florida, for access to the Automated Fingerprint Identification System, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; providing for an effective date. (POLICE DEPT.)
- E. Request permission to approve the appointment of Christopher Chiocca, Acting Director of Finance, to the Insurance Committee. (RISK MANAGEMENT)
- F. Proposed resolution approving the Local Housing Assistance Plan as required by the State Housing Initiatives Partnership Program Act, subsections 420.907-420.9079, Florida Statutes and Chapter 67-37 of the Florida Administrative Code; authorizing and directing the Mayor or his designee to execute any necessary documents and certifications needed by the State; in furtherance hereof authorizing the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)

- G.** Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2015-2016 and in particular, revising the budget to supplement revenues within the General Fund; within the Special Revenue Funds, in particular, CDBG Fund, LETF-State Fund, Home Investment Partnership Program Fund, Park Grant/Impact Fee Fund, Police Grant Fund, State Housing Initiative Program Fund, ECS & Library Grant Fund, and Parks Projects Fund as summarized and itemized in the schedule attached as Exhibit “1A” and made part hereof. (OFFICE OF MANAGEMENT & BUDGET)
- H.** Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, in particular, Street Transportation Fund, Fire Prevention Fund, Fire Rescue Fund, Children’s Trust Grant Fund, Urban Area Security Grant Fund, CITT Surtax-Hialeah Circulator Fund, ECS & Library Grants Fund, Building Fund, and within Enterprise Funds, in particular, Public Works Fund-Solid Waste, Public Works Fund-Water & Sewer and Stormwater Fund as summarized and itemized in the schedule attached as Exhibit “1B” and made a part hereof. (OFFICE OF MANAGEMENT & BUDGET)
- 3.** Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit “1”. **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMNISTRATION)

<i>Item was not heard and was postponed per the request of the applicant’s representative on April 12, 2016 until April 26, 2016.</i>
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<i>Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.</i>
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<i>Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.</i>
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<i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i>
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<i>Item was approved by the City Council on first reading on November 24, 2015.</i>
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<i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i>
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- 4.** Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as

Exhibit “1”. **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

*Item was not heard and was postponed per the request of the applicant’s representative on April 12, 2016 until April 26, 2016.*

*Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.*

*Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.*

*Item was postponed by the administration on December 8, 2015 due to notice requirements.*

*Item was approved by the City Council on first reading on November 24, 2015.*

*Item was approved by the Planning and Zoning Board on November 18, 2015.*

5. First reading of proposed ordinance approving a mutual termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement with Miami-Dade County, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the mutual termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement attached hereto in substantial form, and made a part hereof as Exhibit “1”; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

6. Board Appointments –

- a. Appointment by Mayor Hernandez of Onix Morera to the Cultural Affairs Council for a two year term commencing on April 26, 2016 and ending on April 26, 2018. (MAYOR HERNANDEZ)

7. Unfinished Business

8. New Business

9. Comments and Questions

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants:** Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

### **ZONING**

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property located at 991 West 48 Street, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant/Owner of Property: Arena-Westland Shoppes, LLC*)

<i>Item was approved by the City Council on first reading on April 12, 2016. Second reading and public hearing was scheduled for April 26, 2016.</i>
<i>On March 8, 2016 the recommendation of denial by the Planning and Zoning Board was overridden by the City Council. First reading was scheduled for April 12, 2016.</i>
<i>Item was postponed until March 8, 2016 by the City Council on February 23, 2016, per the request of the applicant's representative. Neighbors were present during the meeting, in opposition to the item's approval.</i>
<i>Item was postponed until February 23, 2016 by City Council on February 9, 2016 pursuant to the request of the applicant's representative.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item was denied by the Planning and Zoning Board on January 27, 2016.</i>
<i>Registered Lobbyist: Mario Serralta, 14125 NW 80 Avenue, Suite 303, Miami Lakes, FL 33016</i>
<i>Registered Lobbyist: John Flynn, 14125 NW 80 Avenue, Miami Lakes, FL 33016</i>
<i>Registered Lobbyist: Melissa Tapanes Llahues, 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131</i>
<i>Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, #220, Hialeah, FL 33016</i>

- PZ 2.** Second reading and public hearing of proposed ordinance granting a Variance Permit to waive a portion of the minimum standards set forth in section (d)(7) and (d)(8) of the City of Hialeah Landscape Manual, dated July 9, 2015, pursuant to Hialeah Code § 98-2233, on property zoned C-2 (Liberal Retail Commercial District). **Property located at 1995 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant/Owner of Property: Fortuna RXR LLC, Oscar Rodriguez, Manager*)

<i>Item was approved by the City Council on first reading on April 12, 2016.</i>
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<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on March 23, 2016.</i>

- PZ 3.** Recommendation of denial by the Planning and Zoning Board for the rezoning from R-1 (One Family District) to R-3-3 (Multiple Family District) and consider granting a Variance Permit to allow a front yard setback of 11 feet for balconies and 15 feet for the building, where 25 feet are required; allow 43% of the net residential land to be covered with open parking areas, vehicular drives and accessory and service structures and devices, where a maximum of 40% is allowed, pursuant to Section 98-2056(b)(3) of the City Code. **Property located at 3500 West 9 Avenue, Hialeah, FL.** (Applicant/Representative: Hugo P. Arza on behalf of Hialeah 10.1 Acres, LLC and Les Chalet)

<i>Item was postponed by the City Council on April 12, 2016 until April 26, 2016 per the request of the applicant's representative.</i>
<i>Planner's Recommendation: Approval</i>
<i>Item is considered denied by the Planning and Zoning Board – March 23, 2016.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>
<i>Registered Lobbyist: Juan J. Mayol, Jr., Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>
<i>Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i>

- PZ 4.** First reading of proposed ordinance rezoning property from R-3-3 (Multiple Family District) to C-2 (Liberal Retail Commercial District), granting a conditional use permit (CUP) to allow a medical facility pursuant to Hialeah Code §98-181(2) e, and granting a variance permit to allow a LED Reader Board Display Pylon Sign outside the geographic area where LED signs are permitted, contra to Hialeah Code § 74-149 (b). **Property located at 6050 West 20 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Representative: Javier L. Vazquez)

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i>

- PZ 5.** First reading of proposed ordinance rezoning 130.14 acres more or less of land from GU (Interim District) to Residential Development District and granting a variance permit to allow a minimum of 19% of the units developed as RH-1 (One Family District), where a minimum of 25% is required; a maximum of 45% of the units developed as R-4 (Townhouses), where a maximum of 30% is allowed; a maximum of 36% of the units to be developed as RH-3-M (Multiple Family District), where a maximum of 20% is allowed, contra to Hialeah Code § 98-1605(b)(1)b; and granting a variance of the requirements of the Residential Development District as provided by Hialeah Code §§ 98-1604(b), 98-1604(c), 98-1604(d), 98-1604(e), 98-1604(g), 98-1604(i), 98-1604(j), 98-1604(k), 98-1604(l), 98-1604(m), 98-1604(n), 98-1604(o), 98-1605(b)(1)b, 98-

1605(b)(3), 98-1605(c), 98-1605(d), and 98-1606 to the extent provided in the site plan dated March 1, 2016 and pattern book prepared by Pascual, Perez, Kiliddjian and Associates, Architecture and Planning and the Landscape Plans dated March 1, 2016 prepared by Witkin Hults Design Group. **Property located on a vacant parcel of land north of NW 154 Street and theoretical NW 166 Street, west of I-75 Expressway, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo P. Arza on behalf of Two Lakes Lennar LLC*)

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i>

### **FINAL DECISIONS**

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-05 that granted an adjustment on property located at **322 To To Lo Chee Drive, Hialeah, Florida;** and providing for an effective date. (*Applicant: Alain L. Rodriguez*)

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning board on March 23, 2016.</i>

- FD 2.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-06 that granted adjustments on property located at **3528 West 14 Place, Hialeah, Florida;** and providing for an effective date. (*Applicant: Jose Luis Rouco*)

<i>Planner's Recommendation: Approve west side setback of 1.38 feet and deny south side setback of 0 feet.</i>
<i>Item was approved by the Planning and Zoning Board on March 23, 2016.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, May 10, 2016 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 24, 2016 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or

if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).